



**CITY OF MORGAN HILL**

**CITY COUNCIL  
MORGAN HILL REDEVELOPMENT AGENCY**

**COUNCIL CHAMBERS**

17555 PEAK AVENUE MORGAN HILL CALIFORNIA 95037

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**COUNCIL MEMBERS**

Dennis Kennedy, Mayor  
Greg Sellers, Mayor Pro Tempore  
Hedy L. Chang, Council Member  
Steve Tate, Council Member  
Larry Carr, Council Member

**REDEVELOPMENT AGENCY**

Dennis Kennedy, Chair  
Larry Carr, Vice-Chair  
Hedy L. Chang, Agency Member  
Steve Tate, Agency Member  
Greg Sellers, Agency Member

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**WEDNESDAY, AUGUST 1, 2001**

**AGENDA**

**JOINT MEETING**

**CITY COUNCIL SPECIAL and REGULAR MEETING**

**and**

**REDEVELOPMENT AGENCY SPECIAL MEETING**

*A Special Meeting Is Called at 5:00 P.M. for the Purpose of  
Conducting Closed Sessions.*

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**Dennis Kennedy, Mayor/Chairperson**

**5:00 P.M. - 7:00 P.M.**

**CALL TO ORDER**  
(Mayor/Chair Kennedy)

**ROLL CALL ATTENDANCE**  
(City Clerk/Agency Secretary Torrez)

**DECLARATION OF POSTING OF AGENDA**

**Per Government Code 54954.2**

(City Clerk/Agency Secretary Torrez)

***City Council and Redevelopment Agency Action***

**OPPORTUNITY FOR PUBLIC COMMENT**

**CLOSED SESSIONS:**

**1.**

**CONFERENCE WITH LEGAL COUNSEL - POTENTIAL AND EXISTING LITIGATION:**

**CONFERENCE WITH REAL PROPERTY NEGOTIATORS**

Legal Authority:	Government Code 54956.8 & 54956.9(a) & (c) (1 potential case)
Real Property(ies) involved:	APN 728-31-007 & 008; 25.50 acres located on the southwesterly side of Cochrane Road (St. Louise Hospital property)
City Negotiators:	Agency Members; Executive Director; Agency Counsel; F. Gale Conner, special counsel; Rutan & Tucker, special counsel
Case Name:	San Jose Christian College v. City of Morgan Hill
Case Number:	Santa Clara County Superior, No. CV 799179
Closed Session Topic:	Potential Existing Litigation/Real Estate Negotiations

**2.**

**CONFERENCE WITH LEGAL COUNSEL - ANTICIPATED LITIGATION**

Significant Exposure to Litigation

Authority: Government Code Section 54956.9(b)

One (1) Case

**3.**

**CONFERENCE WITH LEGAL COUNSEL - REAL PROPERTY NEGOTIATOR**

Legal Authority:	Government Code 54956.8
Real Property Involved:	17.58 acre parcels located on the east side of Condit Road, bound by Condit Road, Tennant Avenue, Barrett Avenue and Murphy Avenue (APN 817-13-017)
Negotiating Parties:	
For City/Agency:	City Manager/Executive Director; City Attorney/Agency Counsel; Director of Business Assistance & Housing Services
For Property Owners:	Virginia Lomanto Trustee
Closed Session Topic:	Acquisition of Real Property

**4.**

**CONFERENCE WITH LEGAL COUNSEL - ANTICIPATED LITIGATION**

Initiation of litigation pursuant to Government Code Section 54956.9(c) - One (1) potential case

**ADJOURN TO CLOSED SESSION:**

**RECONVENE:**

**CLOSED SESSION ANNOUNCEMENT:**

**7:00 P.M.**

**SILENT INVOCATION**

**PLEDGE OF ALLEGIANCE**

**CITY COUNCIL REPORT**

Council Member Carr

**CITY MANAGER'S REPORT**

**CITY ATTORNEY'S REPORT**

**NOW IS THE TIME FOR COMMENTS FROM THE PUBLIC REGARDING ITEMS NOT ON THIS AGENDA.**  
(See notice attached to the end of this agenda.)

**PUBLIC COMMENTS ON ITEMS APPEARING ON THIS AGENDA WILL BE TAKEN AT THE TIME THE  
ITEM IS ADDRESSED BY THE COUNCIL. PLEASE COMPLETE A SPEAKER CARD AND PRESENT  
IT TO THE CITY CLERK.**  
(See notice attached to the end of this agenda.)

**PLEASE SUBMIT WRITTEN CORRESPONDENCE TO THE CITY CLERK/AGENCY SECRETARY. THE  
CITY CLERK/AGENCY SECRETARY WILL FORWARD CORRESPONDENCE TO THE CITY  
COUNCIL/REDEVELOPMENT AGENCY.**

## ***City Council and/or Redevelopment Agency Action***

**CONSENT CALENDAR:**

The Consent Calendar, Agenda Items #1 through #3; and Items #4 through #5 may be acted upon with one motion, a second and the vote. The Consent Calendar items are of a routine or generally uncontested nature and may be acted upon with one motion. Pursuant to Section 5.1 of the City Council Rules of Conduct, any member of the Council or public may request to have an item pulled from the Consent Calendar to be acted upon individually.

Time

Estimate

Consent Calendar: 1 - 10 Minutes

Page

## ***City Council Action***

- 1) **CITY BEAUTIFICATION DAY** ..... 1  
**Recommended Action(s): Accept and File** Report.

2)	<b><u>AWARD OF PURCHASE ORDER FOR RELOCATION OF TEMPLE EMMANUEL CHURCH</u></b> .....	5
	<b><u>Recommended Action(s):</u></b>	
1.	In Accordance with Section 3.04.150A of City Code, <b><u>Determine</u></b> That The Competitive Bid Process for Relocating the Temple Emmanuel Church Would Not Likely Result in a Lower Price to the City From a Responsible Bidder and/or Would Cause Unnecessary Expense or Delay of the Project, and	
2.	<b><u>Approve</u></b> Purchase Order in the Amount of \$61,392 with Trost Construction for Relocating the Temple Emmanuel Church as a Part of the Community Playhouse Project and Authorize 10% Contingency as Identified.	
3)	<b><u>AWARD OF BID FOR COMMUNITY PLAYHOUSE GRADING &amp; WALL INSTALLATION</u></b> .....	7
	<b><u>Recommended Action(s):</u></b> <b><u>Award</u></b> Bid for Community Playhouse Grading and Wall Installation to Bellicitti & Pellicioti Construction Company, Inc. in the Amount of \$68,820 with 10% Contingency as Identified.	
 <i>City Council and Redevelopment Agency Action</i>		
4)	<b><u>APPROVE JOINT SPECIAL REDEVELOPMENT AGENCY AND SPECIAL CITY COUNCIL JUNE 27, 2001 MEETING MINUTES</u></b> .....	9
5)	<b><u>APPROVE JOINT REGULAR REDEVELOPMENT AGENCY AND SPECIAL CITY COUNCIL JUNE 27, 2001 MEETING MINUTES</u></b> .....	11

## *City Council Action*

### **PUBLIC HEARINGS:**

	Time Estimate		Page
6)	10 minutes	<b><u>CONFIRMING THE SANTA CLARA COUNTY FIRE MARSHAL'S REPORT RELATING TO WEED ABATEMENT</u></b> .....	21
		<b><u>Recommended Action:</u></b> Request staff presentation.	
		Public Hearing opened.	
		Please limit your remarks to 3 minutes. Public Hearing closed.	
		Council discussion.	
		Action -	<b><u>Motion to Accept</u></b> Report from the Santa Clara County Fire Marshal's Office on the 2001 Weed Abatement Program.
		Action -	<b><u>Motion to Adopt</u></b> Resolution No. 5514 Confirming the Report from the Santa Clara County Fire Marshal's Office That Sets Forth the Description of Property and the Owners and Requiring the Abatement of Weeds.

**OTHER BUSINESS:**

	<b>Time Estimate</b>		<b>Page</b>
7)	10 minutes	<b><u>BMX INTERIM SITE PROPOSED AT VACANT VALLEY TRANSPORTATION AGENCY (VTA) LAND BEHIND INTERIM SKATE PARK</u></b> ..... <i>Continued from July 25, 2001</i> <i>An Oral Update Will Be Provided.</i> <b><u>Recommended Action(s):</u></b> <i>Parks and Recreation Commission Recommendation:</i> 1. <b><u>Receive</u></b> Update if the Interim BMX Site Matter Will be Agenized for the August 2 VTA Board Meeting and to Determine How They Would Like to Proceed with Finding Interim and Permanent Sites.	31
8)	5 minutes	<b><u>CITY COUNCIL REPRESENTATION ON ARCHITECTURAL DESIGN SELECTION COMMITTEE FOR COMMUNITY INDOOR RECREATION CENTER</u></b> ..... <i>Continued from July 25, 2001</i> <b><u>Recommended Action(s):</u></b> <b><u>Select</u></b> City Council Representative to Serve on the Selection Committee for Architectural Design Services for the Community Indoor Recreation Center.	35
9)	5 minutes	<b><u>APPOINTMENT TO THE HOUSING ELEMENT ADVISORY COMMITTEE</u></b> ..... <b><u>Recommended Action(s):</u></b> <b><u>Designate</u></b> the Mayor or a Council Member to Serve on the Housing Element Update Advisory Committee. <i>Continued from July 25, 2001</i>	37
10)	10 minutes	<b><u>FILING DEADLINE FOR THE FY 2001-02 RESIDENTIAL DEVELOPMENT CONTROL SYSTEM (MEASURE P) COMPETITION</u></b> ..... <b><u>Recommended Action(s):</u></b> <b><u>Discussion/Council Discretion.</u></b>	39
11)	10 minutes	<b><u>CONSIDERATION OF AMENDING THE CITY COUNCIL'S ORDER OF BUSINESS</u></b> ..... <b><u>Recommended Action(s):</u></b> <b><u>Provide</u></b> Direction to Staff Regarding the Order of Business.	41
12)	5 minutes	<b><u>DESIGNATING VOTING DELEGATE TO THE LEAGUE OF CALIFORNIA CITIES' ANNUAL CONFERENCE</u></b> ..... <b><u>Recommended Action(s):</u></b> 1. <b><u>Approve</u></b> Appointment by Mayor of Voting Delegate and Alternate Voting Delegate to the League of California Cities' Annual Conference; and 2. <b><u>Direct</u></b> the City Clerk to Complete the Voting Delegate Form and <b><u>Forward</u></b> Said Form to the League to California Cities.	53
13)	5 minutes	<b><u>SISTER CITY RELATION WITH SAN CASCIANO, ITALY</u></b> ..... <b><u>Recommended Action(s):</u></b> 1. <b><u>Adopt</u></b> Resolution No. 5513 to: A. <b><u>Establish</u></b> a Formal Sister City Relationship with the City of San Casciano Val di Pesa, Italy upon Receipt of a Reciprocal Resolution; B. <b><u>Authorize</u></b> Staff to Notify Sister Cities International of Our Intent to Establish This Relationship; and C. <b><u>Authorize</u></b> the City Manager to Establish a Non-profit Citizen Committee	59

to Plan, Organize, Fund and Coordinate Sister City Activities between  
Morgan Hill and San Casciano.

- 14) 10 minutes **MORGAN HILL COMMUNITY FOUNDATION** ..... 63  
**Recommended Action(s):**  
1. **Receive** Report on the Morgan Hill Community Foundation; and  
2. **Consider** the Request to Appropriate \$10,000 from the Fiscal Year 2001-02  
Contingency Reserve.
- SECOND READING OF ORDINANCE:** Full Reading Waived By Majority Vote.  
(Government Code Section 36934)  
**Action -- Adopt** Ordinance by roll call vote.
- 15) 1 minute **ADOPT ORDINANCE NO. 1516, NEW SERIES** ..... 81  
An Ordinance of The City Council of The City of Morgan Hill Approving an Amendment  
to Ordinance No. 1493, New Series, to Amend the Development Agreement for Application  
MP-00-01: Berkshire - Singh to Allow for a One-year Extension of Time (APN 764-23-054).
- 16) 1 minute **ADOPT ORDINANCE NO. 1517, NEW SERIES** ..... 87  
An Ordinance of the City Council of the City of Morgan Hill Amending the Standards and  
Criteria and Procedures of the Residential Development Control System as Set Forth in  
Chapter 18.78 of the Morgan Hill Municipal Code.
- 17) 1 minute **ADOPT ORDINANCE NO. 1518, NEW SERIES** ..... 109  
An Ordinance of The City Council of The City of Morgan Hill Adding Section 6.04.010(Q)  
(Definitions) of Chapter 6.04 (General Provisions), Section 6.32.100 (Mandatory  
Sterilization for Multiple Impounds) and Section 6.32.110 (Hearing for Mandatory  
Sterilization for Multiple Impounds), and Amending Section 6.08.030 (Violation - Penalty)  
of Chapter 6.08 (Administration and Enforcement) of Title 6 (Animals) of the Municipal  
Code of the City of Morgan Hill Regarding Violations and Penalties for Unsterilized  
Animals Running At-large.
- 18) 1 minute **ADOPT ORDINANCE NO. 1520, NEW SERIES** ..... 115  
An Ordinance of the City Council of the City of Morgan Hill Approving Zoning  
Amendment, ZA 99-14: City of Morgan Hill (APN 726-13-002 & 003)

## ***Redevelopment Agency Action***

### **OTHER BUSINESS:**

- 19) 20 minutes **ASSISTANCE TO THE MORGAN HILL CHARTER SCHOOL** ..... 121  
**Recommended Action(s):** **Direct** Staff to Do Everything Necessary, including Preparing  
and Executing Agreements and Modifying Program Guidelines as Needed, to Provide the  
Charter School with a Facade Grant of \$30,000 or, Other Amount as Deemed Appropriate,  
for Their Facility at the Albertson's Center.

### **FUTURE COUNCIL-INITIATED AGENDA ITEMS:**

Note: in accordance with Government Code Section 54954.2(a), there shall be no discussion, debate and/or action taken  
on any request other than providing direction to staff to place the matter of business on a future agenda.

### **ADJOURNMENT**